



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

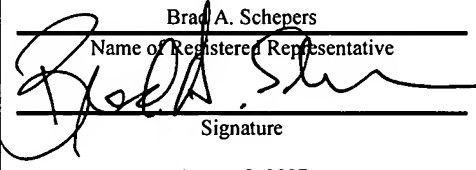
In re patent application of:	)	Before the Examiner
Foley et al.	)	Mary C. Hoffman
	)	
Application Serial No. 10/756,970	)	Group Art Unit 3733
	)	
Filed January 13, 2004	)	Ref. No. MSDI-223/
	)	PC444.06
	)	
SURGICAL INSTRUMENTATION AND	)	August 9, 2007
METHOD FOR TREATMENT OF THE SPINE	)	

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated May 16, 2007, please consider the following amendments and remarks. Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:	
August 9, 2007	_____
Date of Deposit	
Brad A. Schepers	_____
Name of Registered Representative	
	_____
Signature	
August 9, 2007	_____
Date of Signature	

### **INTRODUCTORY COMMENTS**

Claims 54-93 were pending in the subject application for the non-final Office Action dated May 16, 2007. Claims 71-73 and 80-93 have been withdrawn from consideration. Claims 54-70 and 74-79 have been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.